

REMARKS

.Currently pending in this application are claims 29-54, 56-64 and 66-81. Claims 1-38 were canceled in a prior amendment and claims 55,65 and 82 are canceled in this amendment.

Claim 36 has been amended to refer to solvents and to depend from claim 29.

Claim 38 has been amended to delete reference to castor oil.

Claim 42 has been amended to refer to solvents and to depend from claim 38.

Claim 53 has been amended to refer to solvents and to depend from claim 47.

Claim 56 has been amended to change addition to additive, correcting an obvious typographical error.

Claim 63 has been amended to refer to solvents and to depend from claim 56.

Claim 66 has been amended to change addition to additive, correcting an obvious typographical error. The claim has also been amended to delete reference to castor oil.

Claim 74 has been amended to change addition to additive, correcting an obvious typographical error.

Claim 80 has been amended to refer to solvents.

The examiner has rejected claims 36, 42, 53, 63, 70 and 80 under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. Specifically the examiner noted that the specification did not support defining certain compounds recited in the claims as "diluent" when the specification defined them as solvents. The claims have been amended to define the compounds as solvents and to change their dependency to the preceding independent claim.

The examiner next rejected claims 32, 49, 50, 56, 59, 60, 65, 66, 74, 77 and 82 under 35 U.S.C. §112 as indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

The examiner rejected claims 32, 49, 59 and 76 on the grounds that the examiner did not see the distinction between the plant oil extracts derived from grain and the vegetable and nut plant oils. The examiner stated the opinion that vegetables and nuts are also grains. Applicants respectfully traverse this rejection. As defined by Webster's, a grain is a seed of fruit from a cereal or grass. Merriam-Webster's Collegiate Dictionary, p. 543 (11th Ed. 2003) (attached). A vegetable on the other hand is a herbaceous plant and a nut is a hard shell dry fruit or seed. Id at 853, 1386. While all of these are plants, they are different varieties and the differences in the oil extracts and oils would be apparent to one skilled in the art. In addition, plant oil extracts are generally obtained from chlorophyll containing parts of the plant (see, e.g. paragraphs 59 and 60), whereas vegetable oils are generally extracted from the seed, nut or fruit (see, e.g., paragraphs 75 and 76). Thus, applicant respectfully submits that the two groups of materials are distinct the claims are not indefinite.

The examiner rejected claims 50 and 55 as substantial duplicates. Claim 55 has been canceled rendering the rejection moot.

The examiner rejected claims 56, 66 and 74 noting that the term "addition" should read "additive." The claims have been amended to change the term "addition" to "additive".

The examiner rejected claims 60 and 65 as substantial duplicates. Claim 61 has been canceled rendering the rejection moot.

The examiner rejected claims 77 and 82 as substantial duplicates. Claim 82 has been canceled rendering the rejection moot.

The examiner has rejected claims 38, 41-44, 66 and 69-72 under 35 U.S.C. §102(b) as anticipated by U.S. Patent 5,862,369 to Jordan. The examiner noted that Jordan teaches a fuel composition that contains beta-carotene (carotenoid), chlorophyll (hydrophobic plant extract) and ethoxylated castor oil (thermal stabilizer) as well as cetane improvers. The composition may be diluted with various solvents including gasoline, toluene, diesel fuel and

alcohols. Applicants respectfully submit that the claims as amended are not anticipated by Jordan.

As noted above, the Markush group in claims 38 and 66 that define the thermal stabilizer does not include castor oil. None of the other oils recited in the claims are taught or recited in Jordan. Thus Jordan can not anticipate the claims. Claims 41-44 depend from claim 38 and claims 69-72 depend from claim 66. Since Jordan does not anticipate the independent claims it can not anticipate the dependent claims.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

CONCLUSIONS

Applicant submits that the pending claims are free of the art and are in condition for allowance.

Applicant believes there is no fee due with this response. However, if fees are due, please charge our Deposit Account No. 06-2375, under Order No. P02917US2 from which the undersigned is authorized to draw.

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Respectfully submitted,

By 

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Merriam- Webster's Collegiate[®] Dictionary

ELEVENTH
EDITION



Merriam-Webster, Incorporated
Springfield, Massachusetts, U.S.A.

lɔ| abut ʋʔ kitten, f table lɔʔ further lɔ| ash ʋ| ace ʋ| mop, mar
lɔ| out lɔh| chin lɛ| bet lɔ| easy lɔ| go ʋ| hit ʋ| ace ʋ| job
lɔ| sting lɔ| go lɔ| law lɔ| boy lth| thin lth| tho lɔ| foot
lɔ| yet lzh| vision, beige lk, ʔ, ʔ, ʔ, ʔ see Guide to Pronunciation

chaku [ʃp dial. (Okinawa)] (1970): a weapon that consists of two hardwood sticks joined at their ends by a short length of rawhide, cord, or chain

nun-cl-e-ture \nun(t)-e-sə-čūr, -nūn(t)-, -chər, -tūr, -tūr/ [It *nunciatura*, fr. *nuncio*] (1652): 1: a papal diplomatic mission headed by a *nuncio* 2: the office or period of office of a *nuncio*

nun-clo \nun(t)-e-sə-č, -nūn(t)-/ n, pl -cl-əs [It, fr. *L. nuntius* messenger, message] (1528): a papal legate of the highest rank permanently accredited to a civil government

nun-cle \nun-kəl/ n [by alter. (fr. misdivision of an *uncle*)] (ca. 1589) *clifly dial*: UNCLE

nun-cu-pa-tive \nun-kyū-pā-tiv, -nəp-, -nən-kyū-pā-/ *adj* [ML *nuncupatus*, fr. LL, so-called, fr. *L. nuncupatus*, pp. of *nuncupare* to name, prob. ultim. fr. *nomen* name + *capere* to take — more at NAME, HEAVE] (1549): not written: ORAL (a ~ will)

nun-ery \nun-rē, -nə-rē-/ n, pl -nēr-les (14c): a convent of nuns

nun-er \nun-ik-ēm-/ n [Vietnamese *nưộc nưộc* *nưộc*, lit., salted fish sauce] (1919): a sauce made of fish (as anchovies) fermented in brine

nup-er \nu(p)-ə-/ n, pl Nupes or Nupes (1833): a member of a people of west central Nigeria; also: the language of the Nupé people

nup-tial \nap-shəl, -chal, -tə-shəl, -tə-shəl-/ *adj* [L. *nuptialis*, fr. *nups*, pi., wedding, fr. *nubere* to marry; perh. akin to Gk *nymphē* bride, group] (15c): 1: of or relating to marriage or the marriage ceremony 2: characteristic of or occurring in the breeding season (~ flight)

nuptial n (ca. 1555): MARRIAGE, WEDDING — usu. used in pl.

nup-tial-ty \nap-shē-tyā-tē, -chē-/ n, pl -tēs (1899): the marriage rite

nur-istan \nur-ə-tyā-nē, -nyūr-/ n [Nuristan, Afghanistan] (1951): 1: a member of a group of peoples of the Hindu Kush in northeastern Afghanistan 2: the family of languages spoken by the Nuristanis that constitutes a distinct branch of Indo-Iranian

nur-ice \nur-ə-/ n [ME *nurice*, *nurice*, fr. AF *nurice*, fr. LL *nutricia*, f. L, fem. of *nutricus* nourishing — more at NUTRITIOUS] (13c): 1: a woman who suckles an infant not her own 2: WET NURSE b: a woman who takes care of a young child 3: DRY NURSE 2: one that looks after, fosters, or advises 3: a person who cares for the sick or infirm; *specif*: a licensed health-care professional who practices independently or is supervised by a physician, surgeon, or dentist and who is skilled in promoting and maintaining health — compare LICENSED PRACTICAL NURSE, REGISTERED NURSE 4: a worker form of a social insect (as an ant or bee) that cares for the young b: a female mammal used to suckle the young of another

nur-se v nursed; **nurs-ing** [ME *nurshen* to suckle, nourish, contr. of *nurshen*] n (14c): 1: a: to nourish at the breast 2: Suckle b: to take nourishment from the breast of 2: REAR, EDUCATE 3: a: to promote the development or progress of b: to manage with care or economy (nursed the business through hard times) 4: nursed a 1-0 lead c: to take charge of and watch over 4: a: to care for and wait on (as a sick person) b: to attempt to cure by care and treatment 5: to hold in one's memory or consideration (~ a grievance) 6: a: to use, handle, or operate carefully so as to conserve energy or avoid injury or pain (~ a sprained ankle) b: to use sparingly c: to consume slowly or over a long period (~ a cup of coffee) ~ vi 1: a: to feed an offspring from the breast b: to feed at the breast 2: to act or serve as a nurse — **nurs-er** n

nurse-maid \nur-sē-māid/ n (1657): a girl or woman who is regularly employed to look after children

nurse-mid-wife \nur-sē-mīd-wīf/ n (1952): a registered nurse with additional training as a midwife who delivers infants and provides prenatal and postpartum care, newborn care, and some routine care (as gynecological exams) of women — **nurse-mid-wife-ry** \nur-sē-mīd-wīf-ē-ry, -rē-/ n

nurse-prac-ti-tion-er \nur-prak-ti-shē-er/ n (1969): a registered nurse who is qualified through advanced training to assume some of the duties and responsibilities formerly assumed only by a physician

nurs-ery \nur-ē-ry, -nər-ē-/ n, pl -ēr-les (14c): 1: a: a place where children are temporarily cared for in their parents' absence c: DAY NURSERY 3: a: something that fosters, develops, or promotes b: a place in which persons are trained or educated 4: an area where plants are grown for transplanting, for use as stocks for budding and grafting, or for sale 5: a place where young animals grow or are cared for

nurs-ery-man \nur-sē-mān/ n (1672): one whose occupation is the cultivation of plants (as trees and shrubs) esp. for sale

nursery rhyme n (1816): a short rhyme for children that often tells a story

nursery school n (1835): a school for children usu. under five years

nurse's aide n (1943): a worker who assists trained nurses in a hospital by performing unspecialized services (as giving baths)

nurse shark n [alter. of *nurse*] (1851): any of various sharks (as family *Ginglymostomatidae*); esp. a shark (*Ginglymostoma cirratum*) of warm waters

nursing n (1860): 1: the profession of a nurse (schools of ~) 2: the duties of a nurse (proper ~ is difficult work)

nursing home n (1896): a privately operated establishment providing maintenance and personal or nursing care for persons (as the aged or the chronically ill) who are unable to care for themselves properly

nurs-ing \nur-sing/ n (1557): 1: one that is solicitously cared for 2: a nursing child

nur-tur-ance \nur-cho-rən(t)s/ n (ca. 1938): affectionate care and attention — **nur-tur-ant** \nur-tur-ənt/ *adj*

nur-ture \nur-cho-rə-/ n [ME *nurture*, *nurture*, fr. AF *nurture*, fr. LL *nurtura* act of nursing, fr. *L. nutria*, pp. of *nutrire* to suckle, nourish — more at NOURISH] (14c): 1: TRAINING, UPRISING 2: something that nourishes: FOOD 3: the sum of the environmental factors influencing the behavior and traits expressed by an organism

nur-ture v nur-tured; **nur-tur-ing** \nur-cho-rē-, -nur-cho-/ (15c): 1: to supply with nourishment 2: EDUCATE 3: to further the development of: FOSTER — **nur-tur-er** \nur-cho-rə-/ n

nur-tur-er \nur-tur-ə-/ n [ME *nur-tur-er*, fr. OE *nurtur*, akin to OHG *nur* nut and perh. to *L. nux* nut] (bef. 12c): 1: a (1) a hard-shelled dry fruit or seed with a separable rind or shell and interior kernel (2) the kernel of a nut b: a dry indehiscent one-seeded fruit with a woody pericarp 2: a hard problem or undertaking b: CORB, HEART 3: a perforated

block usu. of metal that has an internal screw thread and is used on a bolt or screw for tightening or holding something 4: the ridge in a stringed instrument (as a violin) over which the strings pass on the upper end of the fingerboard 5: a small lump (as of butter) 6: a foolish, eccentric, or crazy person b: ENTHUSIAST (a movie ~) 7: NONSENSE — often used interjectionally 8: slang: a person's head 9: *usu vulgar*: TESTIS 10: the amount of money that must be earned in order to break even 11: EN 1 — nut-like ~-lik/ *adj*

nut v nut-ted; **nut-ting** (1604): to gather or seek nuts

nu-tate \nū-tāt, -nyū-/ v nu-tat-ed; nu-tat-ing (1880): to exhibit or undergo nutation

nu-ta-tion \nū-tā-shən, -nyū-/ n [L. *nutatio*, *nutatio*, fr. *nutare* to nod, rock — more at NUMBER] (1612): 1: archaic: the act of nodding the head 2: oscillatory movement of the axis of a rotating body (as the earth): WOBBLE 3: a spontaneous usu. spiral movement of a growing plant part — **nu-ta-tion-al** \nū-tā-shən-əl, -cho-n-/ *adj*

nut-brown \nut-brān/ *adj* (14c): of the color of a brown nut

nut-case \nū-kās/ n (1959): NUT 6a

nut-crack-er \nū-kra-kər/ n (ca. 1548): an implement for cracking nuts

nut-gall \nū-gōl/ n (15c): a gall that resembles a nut; esp: such a gall produced on oaks

nut grass n (1775): a perennial sedge (*Cyperus rotundus*) of wide distribution that has slender rootstocks bearing small edible tubers resembling nuts; also: a related sedge (*C. esculentus*)

nut-hatch \nut-hach/ n [ME *notehache*, fr. *not* + *hache*, fr. *OE* *tohtacian* to hack — more at HACK] (14c): any of various small tree-climbing chiefly insectivorous birds (family *Sittidae* and esp. genus *Sitta*) that have a compact body, a narrow bill, a short tail, and sometimes a black cap

nut-house \nut-haūs/ n (1900) slang: a mental hospital

nut-let \nut-lēt/ n (1856): 1: a small nut b: a small fruit similar to a nut 2: the stone of a drupelet

nut-meg \nut-meg, -māg/ n [ME *notemigge*, *notemigge*, ultim. fr. Old Occitan *noz muscada*, fr. *noz* nut (fr. *L. nuc-*, *nuc-*) + *muscada*, fem. of *muscatus* musky — more at MUSCAT] (15c): 1: an aromatic seed produced by an evergreen tree (*Myristica fragrans*) of the family *Myristicaceae*, the nutmeg family) native to the Moluccas; also: the ground seed used as a spice — compare MACIS 2: a tree yielding nutmeg

nut-pick \nut-pik/ n (1862): a small sharp-pointed implement for extracting the kernels from nuts

nu-tra-ceu-ti-cal also **nu-tri-ceu-ti-cal** \nū-trō-tyū-ti-kəl/ n [nutritive + pharmaceutical] (1990): a foodstuff (as a fortified food or dietary supplement) that provides health benefits in addition to its basic nutritional value

nut-ria \nū-trē-ə, -nyū-/ n [AmerSp, fr. Sp, otter, modif. of *L. lutra*; prob. akin to OE *otter*] (1820): 1: the durable usu. light brown fur of a nutria 2: a large So. American semiaquatic rodent (*Myocastor coypus*) with webbed hind feet and a round nearly hairless tail that has been introduced into parts of Europe, Asia, and No. America

nut-ri-ent \nū-trē-ent, -nyū-/ *adj* [L. *nutrient-*, *nutrens*, pp. of *nutrire* to nourish — more at NOURISH] (1650): furnishing nourishment

nutrient n (ca. 1828): a nutritive substance or ingredient

nut-ri-ment \nū-trē-mənt, -nyū-/ n [ME, fr. *L. nutrimentum*, fr. *nutrire*] (15c): something that nourishes or promotes growth, provides energy, repairs body tissues, and maintains life

nut-ri-tion \nū-tri-shən, -nyū-/ n [ME *nutricoun*, fr. LL *nutritio*, *nutritio*, fr. *L. nutrire*] (15c): 1: the act or process of nourishing or being nourished; *specif*: the sum of the processes by which an animal or plant takes in and utilizes food substances 2: NOURISHMENT 1 — **nut-ri-tion-al** \nū-tri-shən-əl, -trē-shən-/ *adj* — **nut-ri-tion-al-ly** *adv*

nut-ri-tion-ist \nū-tri-shē-nist/ n (1926): a specialist in the study of nutrition

nu-tri-tious \nū-tri-shəs, -nyū-/ *adj* [L. *nutricus*, fr. *nutric-*, *nutrix* nurse, fr. *nutrire* to nourish — more at NOURISH] (1665): NOURISHING — **nu-tri-tious-ly** *adv* — **nu-tri-tious-ness** n

nut-ri-tive \nū-tri-tiv, -nyū-/ *adj* (14c): 1: of or relating to nutrition 2: NOURISHING — **nut-ri-tive-ly** *adv*

nutritive ratio n (1897): the ratio of digestible protein to other nutrients in a foodstuff or ration

nute \nū-tē/ *adj* (1785): 1: ENTHUSIASTIC, KEEN (~ for animals and children — Rick Reilly) 2: INSANE, CRAZY (said that it was a novel and all the people who said otherwise were ~ — Flannery O'Connor)

nuts and bolts n (1967): 1: the working parts or elements 2: the practical workings of a machine or enterprise as opposed to theoretical considerations or speculative possibilities — **nuts-and-bolts** *adj*

nut-sedge \nut-sēj/ n (ca. 1909): NUT GRASS

nut-shell \nut-shel/ n (13c): 1: the hard external covering in which the kernel of a nut is enclosed 2: something of small size, amount, or scope — in a nutshell: in a very brief statement

nut-ty \nū-tā-/ n (1958) slang Brit: NUT 6a

nut-ty \nū-tē-/ *adj* nut-tē-er; -est (15c): 1: having or producing nuts 2: having a flavor like that of nuts 3: BOCENTRIC, SILLY; also: mentally unbalanced — **nut-ti-ly** \nū-tē-ly/ *adv* — **nut-ti-ness** n

Nuu-Chah-Nuith also **Nuu Chah Nuith** \nuū-čāh-nūth/ n, pl **Nuu-Chah-Nuith** also **Nuu Chah Nuith** [Nootka *nucāth*, lit., all along the mountains] (1979): NOOTKA

nux vom-i-ca \nūks-vū-mī-kə/ n, pl **nux vomica** [NL, lit., emetic nut] (14c): 1: the poisonous disk-shaped seed of a tree (*Strychnos nuxvomica*) of the family *Loganiaceae* of southern Asia that contains several alkaloids and esp. strychnine and brucine; also: the tree yielding nux vomica 2: a drug containing nux vomica



nut-hatch

\\ about \\ kitten, F table \\ further \\ ash \\ \\ see \\ \\ mop, mar
\\ out \\ \\ chin \\ \\ bet \\ \\ easy \\ \\ go \\ \\ hit \\ \\ too \\ \\ job
\\ sing \\ \\ go \\ \\ law \\ \\ boy \\ \\ thin \\ \\ the \\ \\ foot \\ \\ foot
\\ yet \\ \\ vision, beige \\ k, æ, ɔ, ɛ, ɪ, ʏ see Guide to Pronunciation

ve-da-lla \vī-dāl-yə/ *n* [NL, genus name] (1889): an Australian ladybug (*Rodolia cardinalis*) introduced to many countries to control scale insects — called also *vedalla beetle*

Ve-dan-ta \vā-dān-tə, -və-, -dān-/ *n* [Skt *Vedānta*, lit., end of the Veda, fr. *Veda* + *anta* end; akin to OB *ende* end] (1788): an orthodox system of Hindu philosophy developing esp. in a qualified monism the speculations of the Upanishads on ultimate reality and the liberation of the soul — **Ve-dan-tism** \vā-dān-ti-zəm, -dān-/ *n* — **Ve-dan-tist** \vā-dān-tist, -dān-/ *n*

Ve-dan-tic \vā-dān-tik, -dān-/ *adj* (1882): 1: of or relating to the Vedanta philosophy 2: **VEDIC**

Ved-da or **Ved-dah** \vī-də-/ *n* [Sinhalese *vedda* hunter] (1681): a member of an aboriginal people of Sri Lanka

Ved-doid \vī-dōid/ *n* (1928): a member of a race of southern Asia traditionally classified by such physical features as wavy to curly hair, chocolate-brown skin color, and slender body build. — **Veddoid** *adj*

ve-dette or **vi-dette** \vī-det/, -dē-/ *n* [Fr. *vi vedette*, alt. of *vedette* prob. fr. Sp *vela* watch, fr. *velar* to keep watch, fr. L *vigilare* to wake, watch, fr. *vigil* awake — more at **VIGIL**] (ca. 1611): a mounted sentinel stationed in advance of pickets

Ve-dic \vī-dik/ *adj* (1848): of or relating to the Vedas, the language in which they are written, or Hindu history and culture between 1500 B.C. and 500 B.C.

veg \vɛg/ *n* (ca. 1883): 1: something shaped like the letter V 2: the letter V

veg-gay \vɛg-/ *n* [video jockey] (ca. 1981): an announcer of a program (as on television) that features music videos

Veg-na *var* of **VINA**

veep \vɛp/ *n* [fr. *v. p.* (abbr. for *vice president*)] (1949): **VICE PRESIDENT**

veer \vɛr/ *v* [ME *veren*, of LG or D origin; akin to MD *veren* to slacken, MLG *veren*] (15c): to let out (as a rope)

veer *vb* [ME *veren*, fr. MF *vire*, fr. OF, to throw with a twisting motion, fr. VL *vire*, alt. of L *vibrare* to wave, propel suddenly — more at **VIBRATE**] *v* (15c): 1: to change direction or course (the economy ~ed sharply downward) 2: of the wind: to shift in a clockwise direction — compare **BACK** 3: to wear ship ~ *vt*: to direct to a different course; *spec*: **WEAR** 7 *syn* see **SWERVE** — **veering-ly** \vɛr-/ *adv*

veer *n* (ca. 1611): a change in course or direction (a ~ to the right) — **veering** \vɛr-/ *n*, *pl* *veerings* [prob. imit.] (1838): an American thrush (*Catharus fuscescens*) common in the eastern U.S.

veg \vɛg/ *n*, *pl* *vegs* (1918) *chiefly Brit*: **VEGETABLE**

ve-ga \vɛg-/ *n* [NL, fr. *ax* (at-Nast) *at-Wag*, lit., the falling (vulture)] (ca. 1638): the brightest star in the constellation Lyra

veg-an \vɛg-/ *n* also *ve-jən* or *-jan* *n* [by cont. fr. *vegetarian*] (1844): a strict vegetarian who consumes no animal food or dairy products; also: one who abstains from using animal products (as leather) — **vegan** *adj* — **veg-an-ism** \vɛg-/ *n*, *pl* *veg-an-isms* — **ve-jən** *n*

veg-e-ta-ble \vɛg-/ *n* [ML, fr. *vegetabilis* vegetative, fr. *vegetare* to grow, fr. L, to animate, fr. *vegetus* lively, fr. *vegere* to enliven — more at **WAKE**] (15c): 1: a plant, esp. of, relating to, constituting, or growing like plants 2: consisting of plants: **VEGETATIONAL** 2: made from, obtained from, or containing plants or plant products (~ soup) (~ fat) 3: resembling or suggesting a plant (as in inertness or passivity)

vegetable *n* (15c): 1: **PLANT** 1b 2: a usu. herbaceous plant (as the cabbage, bean, or potato) grown for an edible part that is usu. eaten as part of a meal; also: such an edible part 3: a person whose mental and physical functioning is severely impaired and esp. one who requires supportive measures (as mechanical ventilation) to survive

vegetable ivory *n* (1842): 1: the hard white opaque endosperm of the ivory nut that takes a high polish and is used as a substitute for ivory 2: **IVORY NUT**

vegetable marrow *n* (ca. 1816) *chiefly Brit*: any of various smooth-skinned elongated summer squashes with creamy-white to deep green skins

vegetable oil *n* (1765): an oil of plant origin; esp.: a fatty oil from seeds or fruits

vegetable oyster *n* (ca. 1818): **SALISFY**

vegetable pear *n* (1887): **CHAYOTE**

vegetable wax *n* (1815): a wax of plant origin secreted commonly in thin flakes by the walls of epidermal cells

veg-e-ta-ble \vɛg-/ *adj* (1651): in the manner of or like a vegetable

veg-e-tal \vɛg-/ *adj* [ML *vegetare* to grow] (15c): 1: **VEGETABLE** 2: **VEGETATIVE** 3: of or relating to the vegetal pole of an egg or to that part of an egg from which the endoderm normally develops (~ blastomeres)

vegetal pole *n* (1896): the point on the surface of an egg that is diametrically opposite to the animal pole and usu. marks the center of the protoplasm containing more yolk — see **BLASTULA** illustration

veg-e-tar-i-an \vɛg-/ *n* [fr. *vegetarian* + *-ian*] (1839): 1: one who believes in or practices vegetarianism 2: **HERBIVORE**

vegetarian *adj* (1849): 1: of or relating to vegetarians 2: consisting wholly of vegetables, fruits, grains, nuts, and sometimes eggs or dairy products (a ~ diet)

veg-e-tar-i-an-ism \vɛg-/ *n* (ca. 1851): the theory or practice of living on a vegetarian diet

veg-e-tate \vɛg-/ *vb* [ML *vegetatus*, pp. of *vegetare* to grow] (1605): 1: to grow in the manner of a plant; also: to grow exuberantly or with proliferation of fleshy or warty outgrowths 2: to produce vegetation 3: to lead a passive existence without exertion of body or mind ~ *vi*: to establish vegetation in or on

veg-e-ta-tion \vɛg-/ *n* (1564): 1: the act or process of vegetating 2: inert existence 3: plant life or total plant cover (as of an area) 4: an abnormal growth upon a body part (fibrin ~ on the mitral valve) — **veg-e-ta-tion-al** \vɛg-/ *adj*

veg-e-ta-tive \vɛg-/ *adj* (14c): 1: (1) growing or having the power of growing (2) of, relating to, or engaged in nutritive and growth functions as contrasted with reproductive functions (a ~ nucleus) b: promoting plant growth (the ~ properties of soil) c: of, relating to, or involving propagation by nonsexual processes or methods 2: relating to, composed of, or suggesting vegetation. 3: of or

relating to the division of nature comprising the plant kingdom 4: **AUTONOMIC** 1 b: characterized by, resulting from, or being a state of severe mental impairment in which only involuntary bodily functions are sustained 5: **VEGETABLE** 3 — **veg-e-ta-tive-ly** *adv* — **veg-e-ta-tive-ness** *n*

ve-gete \vɛg-/ *adj* [L *vegetus* — more at **VEGETABLE**] (1639) *archaic*: **LIVELY, HEALTHY**

veg-gle also **veg-lo** \vɛg-/ *n* [by shortening & alter.] (1955): 1: **VEGETABLE** 2: **slang**: **VEGETARIAN**

veggie burger *n* (1972): a patty chiefly of vegetable-derived protein used as a meat substitute; also: a sandwich containing such a patty

veg out \vɛg-/ *v* *phr* *vegged out*; *veg-ging out* [short for *vegetate*] (1980): to spend time idly or passively

ve-he-mence \vɛ-/ *n* (15c): the quality or state of being vehement: **INTENSITY**

ve-he-ment \vɛ-/ *adj* [MB, fr. MF, fr. L *vehement*, *vehemens*, *vehement*, *vehemens*] (15c): marked by forceful energy: **POWERFUL** (a ~ wind); as a: intensely emotional: **IMPASSIONED, FERVID** (~ *vehementism*) b: (1) deeply felt (a ~ suspicion) (2) forcibly expressed (~ denunciations) c: bitterly antagonistic (a ~ debate) — **ve-he-ment-ly** *adv*

ve-hi-cle \vɛ-/ *n* also *ve-hi-kal* *n* [F *véhicule*, fr. L *vehiculum* carriage, conveyance, fr. *vehere* to carry — more at **WAY**] (1612): 1: an inert medium (as a syrup) in which a medicinally active agent is administered 2: any of various media acting usu. as solvents, carriers, or binders for active ingredients or pigments 3: an agent of transmission: **CARRIER** 3: a medium through which something is expressed, achieved, or displayed (an investment ~); esp.: a work created esp. to display the talents of a particular performer 4: a means of carrying or transporting something (planes, trains, and other ~s); as a: **MOTOR VEHICLE** b: a piece of mechanized equipment

ve-hi-cu-lar \vɛ-/ *adj* (1616): 1: a: of, relating to, or designed for vehicles and esp. motor vehicles b: transported by vehicle c: caused by or resulting from the operation of a vehicle (~ homicide) 2: serving as a vehicle

V-8 \vɛ-/ *n* (1930): an internal combustion engine having two banks of four cylinders each with the banks at an angle to each other; *slp*: an automobile having such an engine

vell \vɛl/ *n* [ME, fr. AF *well*, *vella*, fr. L *vela*, pl. of *velum* sail, awning, curtain] (13c): 1: a length of cloth worn by women as a covering for the head and shoulders and often esp. in Eastern countries for the face; *spec*: the outer covering of a nun's headpiece b: a length of veiling or netting worn over the head or face or attached for protection or ornament to a hat or headpiece (a ~) c: any of various liturgical cloths; esp.: a cloth used to cover the chalice 2: the life of a nun — often used in the phrase *take the veil* 3: a concealing curtain or cover of cloth 4: something that resembles a veil (a ~ of stars); esp.: something that hides or obscures like a veil (~ of secrecy) 5: a covering body part or membrane as a: **VELUM** b: **CAUL**

vell *v* (14c): to cover, provide, obscure, or conceal with or as if with a veil ~ *vi*: to put on or wear a veil

veiled \vɛld/ *adj* (14c): 1: a: having or wearing a veil or a concealing cover (a ~ hat) b: characterized by a softening tonal distortion 2: obscured as if by a veil: **DISGUISED** (~ threats)

veil-ing \vɛl-/ *n* (13c): 1: any of various light sheer fabrics 2: **VEIL**

vein \vaɪn/ *n* [ME *veine*, fr. AF, fr. L *vena*] (14c): 1: a narrow water channel in rock or earth or in ice b: (1) **LODE** 2: (2) a bed of useful mineral matter c: **LODE** 3: 2: **BLOOD VESSEL**; esp.: any of the tubular branching vessels that carry blood from the capillaries toward the heart 3: a: any of the vascular bundles forming the framework of a leaf b: any of the thickened cuticular ribs that serve to stiffen the wings of an insect 4: something suggesting veins (as in reticulation); *spec*: a wavy variegation (as in marble) 5: a distinctive mode of expression: **STYLE** (stories in a romantic ~) b: a distinctive element or quality: **STRAIN** (introduced a welcome ~ of humor) c: a line of thought or action (renewed discussion along the same ~) 6: a special aptitude (inherited an artistic ~) b: a usu. transitory and casually attained mood c: top form (thou troublest me; I am not in the ~)

vein *v* (15c): to pattern with or as if with veins

veined \vaɪnd/ *adj* (ca. 1529): patterned with or as if with veins: having venation: **STRIPED** (a ~ leaf) (~ marble) (~ cheese)

vein-er \vaɪ-/ *n* (1895): a small V gouge used in wood carving

vein-ing \vaɪ-/ *n* (1826): a pattern of veins: **VENATION**

vein-let \vaɪ-/ *n* (1831): a small vein

veiny \vaɪ-/ *adj* (1611): full of veins: noticeably veined (~ hands)

vel *abbr* velocity

ve-la-men \vɛ-/ *n*, *pl* *ve-lam-i-na* \vɛ-/ *n* [NL, fr. L, covering, fr. *velare* to cover, fr. *velum* curtain] (1882): the thick corky epidermis of aerial roots of an epiphytic orchid that absorbs water from the atmosphere

ve-lar \vɛ-/ *adj* [NL *velaris*, fr. *velum*] (1876): 1: formed with the back of the tongue touching or near the soft palate (the ~ lk of /k/ /k/ /k/) 2: of, forming, or relating to a velum and esp. the soft palate — **velar** *n*

ve-lar-i-um \vɛ-/ *n*, *pl* *-ia* \vɛ-/ *n* [L, fr. *velum* curtain] (1834): an awning over an ancient Roman theater or amphitheater

ve-lar-i-z-a-tion \vɛ-/ *n* (1915): 1: the quality or state of being velarized 2: an act or instance of velarizing

ve-lar-ize \vɛ-/ *v* (1915): to modify (as the V of /p/ /p/) by a simultaneous velar articulation

Vel-cro \vɛl-/ *trademark* — used for a closure consisting of a piece of fabric of small hooks that sticks to a corresponding fabric of small loops

veld or **veldt** \vɛl-/ *n* [Afrik *veld*, fr. D, field; akin to OB *feld* field] (1835): a grassland esp. of southern Africa usu. with scattered shrubs or trees

ve-lig-er \vɛl-/ *n*, *pl* *-i* [NL, fr. *velum* + *-ger* bearing, fr. *perere* to bear] (1877): a larval mollusk in the stage when it has developed the velum

vel-le-i-ty \vɛl-/ *n*, *pl* *-ies* [NL *velletus*, fr. L *vellere* to wish, will — more at **WILL**] (1618): 1: the lowest degree of volition 2: a slight wish or tendency: **INCLINATION**



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10/084,601	02/26/2002	Frederick L. Jordan	ORYXE.024A	1629

26271 7590 07/16/2004
FULBRIGHT & JAWORSKI, LLP
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EXAMINER

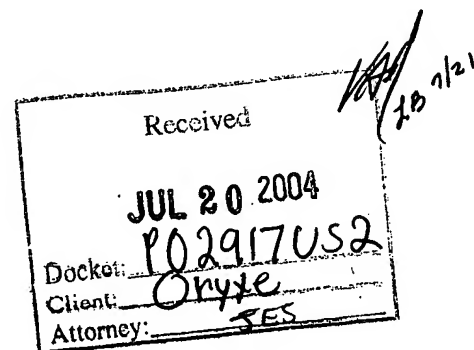
TOOMER, CEPHIA D

ART UNIT PAPER NUMBER

1714

DATE MAILED: 07/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



Advisory Action

Application No.

10/084,601

Applicant(s)

JORDAN, FREDERICK L.

Examiner

Cephia D. Toomer

Art Unit

1714

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

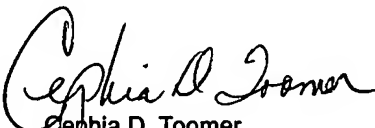
Claim(s) allowed: 29-31,33-35,37,47,48,51,52 and 54.

Claim(s) objected to: 32,36,38,41-44,49,50,53,55,56,59,60,63,65,66,69-72,74,76,77,80 and 82.

Claim(s) rejected: 39,40,45,46,57,58,61,62,64,67,68,73,75,78,79 and 81.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


Cephia D. Toomer
Primary Examiner
Art Unit: 1714

Continuation of 2. NOTE: the amendment is non-compliant because it fails to meet the requirements of 37 CFR 1.121, as amended on July 30, 2003. Claims 36, 38, 42, 53, 66 and 74 are identified as "amended". However, there appears to be no addition or deletion of subject matter. Also, the proper claim identifier should be "currently amended".

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